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PATRIOT SCIENTIFIC CORPORATION

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION

17 ACER, INC., ACER AMERICA  
18 CORPORATION and GATEWAY, INC.,

19 Plaintiffs,

20 v.

21 TECHNOLOGY PROPERTIES LIMITED,  
PATRIOT SCIENTIFIC CORPORATION, and  
22 ALLIACENSE LIMITED,

23 Defendants.

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Attorneys for Plaintiffs ACER, INC., ACER  
AMERICA CORPORATION and  
GATEWAY, INC.

Case No. 5:08-cv-00877 JF

**STIPULATION AND  
[PROPOSED] ORDER  
REGARDING DEFERRAL OF  
HEARING ON MOTION TO  
DISMISS AND CASE  
MANAGEMENT CONFERENCE  
UNTIL SEPTEMBER 19, 2008**

24 WHEREAS, Plaintiffs Acer, Inc., Acer America Corporation, and Gateway, Inc.

25 (collectively, "Plaintiffs") filed a complaint in the present action against Defendants Technology  
26 Properties Limited ("TPL"), Patriot Scientific Corporation ("Patriot"), and Alliacense Limited  
27 (collectively, "Defendants") for declaratory judgment of patent noninfringement and invalidity of  
28

1 U.S. Letters Patent Nos. 5,809,336 ("the '336 patent"), 5,784,584 ("the '584 patent"), 5,440,749  
2 ("the '749 patent");

3 WHEREAS, Defendants TPL and Patriot filed complaints for patent infringement as to  
4 these three patents and U.S. Letters Patent No. 6,598,148 ("the '148 patent") in the Eastern  
5 District of Texas, Case Nos. 2-08cv-173 and 2-08cv-176 (TJW);

6 WHEREAS, on June 4, 2008 Defendants TPL and Patriot filed a complaint for patent  
7 infringement against Plaintiffs for alleged infringement as to U.S. Patent No. 5,530,890 ("the  
8 '890 patent") in the Eastern District of Texas, Case No. 2:08-cv-228 (TJW);

9 WHEREAS, Defendants filed a motion to dismiss or in the alternative to transfer the  
10 action to the Eastern District of Texas, which is currently scheduled for hearing on August 29,  
11 2008;

12 WHEREAS, the parties' Case Management Conference is currently scheduled for August  
13 29, 2008;

14 WHEREAS, on August 12, 2008, the Court entered an order in related case numbers 5:08-  
15 cv-00882 and 5:08-cv-00884, scheduling the Motion to Dismiss hearings and Case Management  
16 Conferences in those actions for September 19, 2008; and

17 WHEREAS, the parties agree that judicial economy would be best served by conducting  
18 all three related Motion to Dismiss hearings and Case Management Conferences on the same day;

19 IT IS HEREBY STIPULATED THAT:

20 (1) The August 28, 2008 Hearing on Defendants' Motion to Dismiss and Case  
21 Management Conference is hereby deferred to September 19, 2008.

22 Dated: August 14, 2008

KIRKPATRICK & LOCKHART PRESTON  
GATES ELLIS LLP

23  
24  
25 By: /s/ Timothy P. Walker  
Timothy P. Walker

26 Attorneys for Plaintiffs ACER, INC.,  
27 ACER AMERICA CORPORATION and  
GATEWAY, INC.

28 *[SIGNATURES CONTINUED ON NEXT PAGE]*

1 Dated: August 14, 2008

FARELLA BRAUN & MARTEL LLP

2  
3 By: /s/ John L. Cooper  
John L. Cooper

4  
5 Attorneys for Defendants  
TECHNOLOGY PROPERTIES LIMITED  
6 and ALLIACENSE LIMITED

7  
8 Dated: August 14, 2008

KIRBY NOONAN LANCE & HOGE, LLP

9  
10 By: /s/ Charles T. Hoge  
Charles T. Hoge

11 Attorneys for Defendants  
12 PATRIOT SCIENTIFIC CORPORATION

13 PURSUANT TO STIPULATION IT IS SO ORDERED:

14 Dated: \_\_\_\_\_

15  
16  
17 The Honorable Jeremy Fogel  
United States District Court Judge